ORDINANCE NO. 2171

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT ON CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE GARDNER, KANSAS, ZONING ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas, Zoning Ordinance, a Conditional Use Permit is issued on lands legally described as follows:

CASE NO. CUP-05-03

The operation of a self-storage and outdoor vehicle tow lot in a C-3, Commercial District, located at 1098 E. Santa Fe Street, subject to the following conditions:

- a) The approval of CUP-05-03 shall expire in ten (10) years.
- b) The development shall be in accordance with Exhibit "A" (Site Plan) which is filed in the office of the Planning Commission Secretary and which is incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- c) Approval of the Conditional Use Permit is contingent upon approval of a final plat for the subject property, and the property being brought into compliance with CUP-04-01 within 90 days.
- d) The applicant shall obtain a building permit prior to making improvements.
- e) Approval of CUP-05-03 supersedes approval of CUP-04-01, the originally approved CUP for the existing self-storage buildings, set to expire in 2010.
- f) Outside vehicle storage shall be limited to the tow lot as designated on the site plan.
- g) The tow lot designated on the site plan shall be used as an accessory to the adjacent auto body repair business, and shall not be utilized for leased storage space for recreational vehicles.

Legal Description: Lot All that part of the Southwest Quarter of Section 19, Township 14, Range 23, now in the City of Gardner, Johnson County, Kansas, being more particularly described as follows: Beginning at the Southeast corner of the Southwest Quarter of said Section 19; thence North 01 degrees 54 minutes 06 seconds West, along the East line of the Southwest Quarter of said Section 19, a distance of 640.20 feet; thence South 75 degrees 26 minutes 02 seconds West, a distance of 358.72 feet; thence South 01 degrees 54 minutes 06 seconds East, a distance of 332.08 feet; thence North 88 degrees 00 minutes 43 seconds East, a distance of 100.00 feet; thence South 01 degrees 54 minutes 06 seconds East, a distance of 100.00 feet; thence South 01 degrees 54 minutes 06 seconds East, a distance of 150.81 feet, to a point

on the South line of the Southwes seconds	t Quarter of said Sectior	n 19; thence North 88 o	degrees 00 minutes 43

East, along the South line of the Southwest Quarter of said Section 19, a distance of 150.00 feet, to the point of beginning. Except that part in road Right-of-Way containing 3.96 acres more or less.

SECTION TWO: That upon the taking effect of this Ordinance, the above conditional use permit shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Zoning Ordinance as amended.

SECTION THREE: That this Ordinance shall take effect and be in force for 10 years from and after its adoption by the City Council and publication in the official City Newspaper.

SECTION FOUR: That this area lies within the Airport Interest Area, and pursuant to K.S.A. 3-307e, the rezoning must have the approval of the Board of County Commissioners of Johnson County, Kansas.

PASSED and **APPROVED** this 17th day of October, 2005.

	Carol Lehman, Mayor
ATTEST:	
Gwen Scott, City Clerk	
(SEAL)	